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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined fifth and sixth periodic reports of Slovakia

Addendum

Replies of Slovakia**

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1. Legislative and institutional framework

1. *The Act No. 365/2004 on Equal Treatment in Certain Areas and Protection Against Discrimination and the Amendment of Certain Acts*, also known as **the Anti-discrimination Act**, adopted in 2004, regulates the application of the principle of equal treatment and determines available remedies for legal protection.

The principle of equal treatment and the definition of discrimination:

2. The principle of equal treatment and non-discrimination refers to prohibition of discrimination on grounds of sex, religion or belief, race, nationality or ethnic origin, disability, age, sexual orientation, marital and family status, colour, language, political or other opinions, national or social origin, property, birth or other status, or as a result of announcing crime or other antisocial activities (whistleblowing) following the new whistle-blower protection legislation. In addition to the prohibition of discrimination, the Act also emphasizes the need for adoption of positive measures to ensure protection against discrimination.

3. Pursuant to § 2, paragraph 1, discrimination can have various forms: direct discrimination, indirect discrimination, harassment, sexual harassment, victimization and instruction or inciting to discrimination.

4. **Direct discrimination** refers to any act or omission whereby a person is treated or would be treated less favourably than another person in a comparable situation.

5. **Indirect discrimination** is an apparently neutral provision, decision, order or practice that disadvantages or may disadvantage a person as compared with another person; a provision, practice or decision is not a case of indirect discrimination when it is objectively justified by a legitimate objective and it is adequate and necessary for achieving that objective.

6. **Harassment** refers to such behaviour that may result in creation of an intimidating, hostile, degrading, humiliating, or offensive environment with intent to invade someone's freedom and dignity.

7. **Sexual harassment** is verbal, non-verbal or physical conduct of a sexual nature which may result in violation of person's dignity and create an intimidating, degrading, humiliating, hostile or offensive environment.

8. **Instruction to discriminate** refers to taking advantage of a subordinate person for the purpose of discriminating against a third person.

9. **Incitement to discrimination** means persuading or inciting a person to discriminate against a third person.

10. In no way should the rejection or acceptance of discrimination influence further treatment of the person concerned.

11. The Antidiscrimination Act applies to the area of labour law, social security, and healthcare, provision of goods and services and education. The area of labour relations includes access to employment, occupation, or other for-profit activities or functions (hereinafter referred to as "employment"), including requirements for admission to employment and the conditions and method of selection for employment, employment and conditions of work, including employment

remuneration, promotion and dismissal, access to vocational training, advanced vocational training and participation in active labour market measures, including access to job counselling services or membership and activity in employee organizations and organizations associating professionals in various fields, including the benefits that these organizations provide to their members.

12. The social security area covers social assistance, social insurance, retirement pension savings, supplementary pension insurance, state social support and other social benefits.

13. Application of the principle of equal treatment is obligatory for everyone. The prohibition of discrimination similarly applies to everyone for each of the defined areas.

14. According to Article 2, paragraph 11, gender discrimination also refers to discrimination on grounds of pregnancy or maternity, as well as discrimination on grounds of sexual or gender identification.

15. Under Article 8. paragraph 7 of the Antidiscrimination Act, the following cases do not constitute sex discrimination:

a) provisions setting different retirement age for men and women,

b) protection of pregnant women and mothers until the ninth month after childbirth as well as women who are breastfeeding,

c) provision of goods and services exclusively or primarily for one sex provided that a legitimate objective is being pursued, and that the means of achieving the objective are appropriate and necessary.

16. The area of provision of insurance is a special one, the costs related to pregnancy and maternity shall not result in differences in the amount of premiums and the calculation of insurance benefits.

17. The Antidiscrimination Act regulates the right to claim one's rights in court if one feels that her/his interests or freedoms were violated as a result of discrimination. The act also allows the parties to pursue their claims out of court through mediation. In cases related to violation of the principle of equal treatment, the victims may also be represented by a special legal entity (The Slovak National Centre for Human Rights as an equality body). The procedure may be initiated by a proposal of such entity in case the violation of the principle of equal treatment could affect the rights, legally protected interests or freedoms of more persons, or if such infringement could otherwise seriously endanger public interest.

National strategy for gender equality and the National plan for gender equality for years 2014-2019

18. On July 9th 2014 the Government of the Slovak republic adopted the evaluation of the implementation of the *National Action Plan for Gender Equality 2010-2013* by Resolution No. 335/2014 whereby creation of the national gender equality strategy and Action Plan for Gender Equality 2014-2019 were indicated.

19. The evaluation of the *National Strategy for Gender Equality 2009-2013 and the National Action Plan for Gender Equality 2010-2013* indicated that despite the abovementioned formal equality (equality de jure) and adoption of important strategic and conceptual documents, it must be noted that inequalities between

women and men persist in almost all areas of private and public life. Although there is no doubt that some progress has been made and positive results have been achieved, the Slovak republic continues to be bottom placed in the charts of composite indicators for gender equality in the EU[1] and the OECD countries. The proposed strategy therefore targets precisely those areas where the Slovak republic, in comparison with other EU countries, repeatedly shows major gender disparities.

20. Government of the Slovak republic adopted on November 20th 2014 the new *National strategy for gender equality for years 2014-2019* ("the Strategy") and a related *National action plan for gender equality for years 2014-201* ("the action plan"). Specific activities and measures were prepared and discussed in cooperation with NGOs and the Government Council for Human Rights, Ethnic Minorities and Gender Equality. The strategy and the action plan are interconnected and represent a comprehensive conceptual framework for the promotion of gender equality into practice.

21. The documents address and propose measures in 6 areas of concern:

1. Economic empowerment and independence
2. Decision-making
3. Education
4. Dignity
5. Institutional mechanisms
6. International cooperation

22. The Strategy and related action plan stem from the basic strategic documents of the European Union and the Council of Europe. These bind the member states to adopt positive measures aimed at reaching gender equality.[2] Both documents simultaneously reflect the recommendations made by relevant international monitoring bodies, particularly recommendations formulated in the *Concluding observations of the Committee on the Elimination of Discrimination against Women: Slovak Republic*[3] as well as the commitments made by the Slovak republic itself as a response to these recommendations. Last but not least, the documents incorporate the tasks introduced in the *Partnership Agreement with Slovakia on using EU Structural and Investment Funds for growth and jobs in 2014* and the highlighted importance of equality between men and women as a horizontal principle, as well as the ex-ante conditionality for utilizing the ESIF. Eventually, the strategy reflects the recommendations of the Council of the European Union made for the national programme of reforms of the Slovak Republic addressing areas relevant to gender equality.

23. The strategy is available in English online: http://www.gender.gov.sk/en/files/2015/06/Strategy_EN.pdf

[1] E.g. the EU Gender Equality Index, created by the European Institute for Gender Equality in 2013, where the SR is placed 4th from the end.

[2] A comprehensive list of documents can be found on the website www.gender.gov.sk.

[3] CEDAW/C/SVK/CO/4 Committee on the Elimination of Discrimination against Women, the forty-first session, 30. Jun-18 July 2008.

2. Legal complaint mechanism

24. In accordance with the Antidiscrimination Act, a party to anti-discrimination case can be represented by a legal person, which is entitled by law. Pursuant to the *Act No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human rights* — an equality body, the **Slovak National Centre for Human Rights** (the Centre) fulfils several tasks in the area of the protection of the principle of equal treatment. The Centre, among others, provides legal assistance to victims of discrimination and manifestations of intolerance, issues expert opinions concerning the observance of the principle of equal treatment (upon request of legal persons, individuals or on its own initiative) and undertakes independent investigations concerning discrimination, prepares and publishes reports and recommendations concerning discrimination.

25. Women victims of discrimination on the ground of gender or any other protected ground can turn to the Centre to seek legal aid and representation in cases before courts regarding the observance of the principle of equal treatment. The Centre receives complaints in person, by post, email, fax and phone. The Centre carefully handles all received complaints. In the first phase, the Centre evaluates whether the complaint falls under its legal mandate as an equality body and a national human rights institution. In case a complaint falls outside its mandate, the Centre provides the complainant with basic legal advice and recommends relevant bodies, institutions and mechanisms which to turn to in order to solve the issue. In case the complaint alleges discrimination, the Centre firstly seeks to obtain all relevant information from the complainant. Afterwards, if deemed necessary, the Centre addresses the claimed violator of the principle of equal treatment. The Centre often seeks to initiate personal meetings with the other party in order to negotiate amicable settlement. In case the settlement is not reached and the Centre believes that the case is supported by sufficient evidence in order to have a reasonable chance for success, the Centre files an anti-discrimination action to court with an approval of the client. The legal representation provided by the Centre is free of charge; however, in case of defeat the client has to bear the costs of the trial. The Centre is often contacted for consultation by individuals who are already represented in court cases by advocates in cases that relate to discrimination (either solely or in connection with other claims). In such cases, the Centre provides its expert opinions, which can be submitted as documentary evidence (e.g. they are not defined as expert opinions under the Rules of Civil Procedure). In general, due to the length of procedures and its costs, the Centre aims to settle the cases out of court and in best interest of its clients.

Statistical data

26. In 2014, the Centre received 2413 complaints in total. 1088 complaints were filed by women, 1287 by men and 38 by legal persons. With regards to the mandate of the Centre, 598 complaints concerned human rights, 1105 equal treatment, 41 rights of the child and 669 complaints did not fall under the mandate of the Centre. 71 complaints concerned discrimination on the grounds of gender. This figure covers both discrimination of women and men.

27. The Ministry of Justice of the Slovak Republic also keeps record of judicial statistics and records of proceedings in cases of violation of the principle of equal treatment. In 2013, five such cases were resolved, in 2014 it was three cases; in

neither case discrimination in relation to gender has been identified. However, the ministry only keeps records of resolved cases, thus the number of proposals submitted and not yet resolved is unknown.

3. National machinery for the advancement of women

28. Since 2010, the agenda of gender equality has been discussed and covered in the framework of the Committee of the *National Council for Human rights and National Minorities* of the National Council. In 2011, the reconstruction process of the consultative bodies resulted in creation of a new institutional mechanism — the *Governmental Council for Human Rights, National Minorities and Gender Equality*.

29. According to the approved statute, the *Government Council for Human Rights, National Minorities and Gender Equality* is a permanent professional, advisory, coordinating and consultative body of the Government of the Slovak Republic, among other activities responsible for promoting of the principle of equal treatment and equality, including gender equality. It consists of several specific committees. The *Committee on Gender Equality* is one of them. It functions as an advisory body.

30. In September 2012 the National Council of the Slovak Republic approved the government bill amending and supplementing the *Act No. 575/2001 Coll. on the Organization of the Activities of the Government and on the Organization of the Central State Administration*, whereby the gender equality and equal opportunities agenda has become the competence of the MLSAF. Since then, MLSAF, specifically the Department of Gender Equality and Equal Opportunities (the Department) has been responsible for coordination of national policy in the area. The Department plays a prominent role in coordinating the implementation of gender equality and non-discrimination horizontal principle across all operational programs of European structural funds. The Department has been very visible last year when implementing a media campaign on equal pay[4] within the national project *Institute of Gender Equality*.

31. Since January 2015 the Department reports directly to the minister which has further strengthened its position. To date, the Department has currently employed 11 + 1 persons (1 for director, see table 1.). It also ensures the cross-departmental implementation of gender equality within ministry and beyond.

Table 1
Human resources – Department of Gender Equality and Equal Opportunities of the Ministry of Labour, Social Affairs and Family of the Slovak Republic (situation end of year)

Year	*2010*	*2011*	*2012*	*2013*	*2014*	*2015 (15 June)*
Permanent staff	5 + 1	2 + 1	3 + 1	3 + 1	4 + 1	11 + 1
External staff	n/a	3	0	0	4	12

Source: MLSAF.

[4] http://www.gender.gov.sk/en/campaign-on-gender-pay-gap/.

32. The *European Institute for Gender Equality* dedicated its 2013 Beijing Platform for Action report[5] to the issue of **institutional support for gender equality** in 25 EU member states. The figures for the Slovak Republic have shifted closer to the EU average in 2012.

Table 2
Institutional Support for Gender Equality in the Slovak Republic and the EU Average

	SR 2005	*EU (25) 2005*	*SR 2012*	*EU (25) 2012*
Highest responsibility for gender equality on governmental level	2	1,88	1	1,84
Government Authority responsible for gender equality	2	1,96	2	2
Structural level	1	1,4	2	1,56
Government Authority function	2	1,88	2	1,92
Strategy or action plan at place	1	1,24	2	1,76
Overall Score (0-10)	8	8,36	9	9,08

Source: EIGE http://eige.europa.eu/sites/default/files/MH0213481ENC_0.pdf.

33. Gender equality and equal opportunities agenda has been further supported and facilitated in the framework of several projects in the reviewed period. Aside from establishing of the national project *Institute for Gender Equality* (already mentioned in the original report) two **national projects on violence against women** supported by the European social fund have been launched in 2014.

34. Simultaneously, the programme for gender-based violence and domestic violence within the Norway Grants scheme supports the establishment of new crises centres and shelters for women. The recent launching of the National 24-hour helpline for women victims in March 2015 is an important milestone. A *Coordination-Methodical Centre on Gender Based and Domestic Violence*, a new institution responsible for coordination of all activities related to violence against women, has recently started operating. Eventually, a project supported from the EC grant scheme — PROGRESS has been launched in 2014 addressing the representation of women in leadership and decision-making.

4. Gender disaggregated data collection

35. Besides of the regular compilation and annual publication of sex disaggregated data of data under a title *Gender Equality* by the Statistical Office mentioned in the periodic report, following initiatives were developed:

[5] EIGE: Effectiveness of Institutional Mechanisms for the Advancement of Gender Equality: Report, 2014 http://eige.EURopa.eu/content/document/effectiveness-of-institutional-mechanisms-for-the-advancement-of-gender-equality.

36. A document titled '*System of Indicators of Gender Equality and Methodological Standards of Construction*'[6] has been elaborated within the framework of the national project *Institute for Gender Equality*. The document points out that the collection of gender-disaggregated statistics in recent years has improved, particularly those by the Statistical Office of the Slovak Republic. However, several areas remain uncovered. The demand for more specific data has increased too. Setting up the system of indicators and methodological standards in a line with the currently accepted indicators of gender equality in the framework of the Beijing Platform for Action, the European Commission, UNECE and OECD will allow comparing the level of gender equality in Slovakia and other countries as well integration into other systems of social and economic indicators in Slovakia (e.g. indicators of social exclusion and poverty). The publication therefore contains an overview of current developments of indicators of gender equality in the EU, the UN and OECD, etc.; as well as a proposal to supplement the data collection; translation of international methodological standards, constructing summary indicators and indexes of gender equality and practical testing (pilot calculating indicators/indexes); design and development of new national indicators and indexes of gender equality, the pilot calculation and applicability for further analyses.

37. Proper collection of statistical data has also been the focus of the newly adopted National action Plan for Gender Equality 2014-2019. With an aim to deepen the existing knowledge of gender inequalities between women and men, the government set out to:

a) continue monitoring of the application of gender equality within the scope of the annual Gender 201X report

b) publish a summary report on the state of gender equality in Slovakia on an annual basis

c) determine the main and the additional indicators and the form of their systematic monitoring, analytical evaluation and interpretation

d) ensure collecting of gender-specific data at all levels of public administrations

38. The Statistical office of the Slovak republic works primarily with indicators according to EUROSTAT.

5. Affirmative action

39. The Antidiscrimination Act also regulates the use of **temporary affirmative actions** which are an exception from the principle of non-discrimination. The aim is to eliminate existing disadvantages imposed on the grounds of racial or ethnic origin, association with a national minority or ethnic group, gender or sex, age or disability. Their objective is to ensure application of the equal opportunities principle in practice. Such measures may be adopted by state authorities and local governments as well as all legal entities (citizens' associations, schools, companies, etc.).

[6] PhDr. Ľudmila Ivančíková, ed., Mgr. Barbora Holubová, PhD., Mgr. Róbert Vlačuha: *Systém indikátorov rodovej rovnosti a metodologické štandardy ich konštrukcie*, Bratislava, marec 2014.

National project Family and Work

40. There is a significant gender dimension to the impact of parenthood on employment of women and men in the Slovak republic, the employment rate for women with children under 6 years is less than 40 per cent (compared with 83 per cent of men in the same group). The lack of available childcare services further disadvantages mothers with younger children. In 2015, the Ministry of Labour, Social Affairs and the Family of the Slovak Republic (hereinafter the "MLSAF") started with an implementation of *the project titled 'Family and Work'* using **affirmative action to support employment of mothers of small children**.

41. Despite favourable legislative conditions, significant gaps persist in the area of flexible forms of work and reconciling work and family life in the Slovak republic. Very few employers apply flexible forms of work and the Slovak republic has long been among the EU countries with the lowest share of part-time employment. In Western countries, almost half of working mothers with young children hold part-time jobs. The demand for childcare services has been consistently higher than the supply and the situation is not improving significantly.

42. The pilot project is crucial both in terms of facilitating the creation of innovative forms of childcare as well as in encouraging employers to introduce flexible forms of work and employment for parents, especially mothers with children in preschool age. The project will directly support flexible forms of work — shorter working hours, shared work and teleworking. The aim is to promote the so-called 'flexisecurity' — meaning flexible yet socially secure jobs. The goal is to encourage employers to create new jobs and hire either persons on parental leave (mothers or fathers) or mothers of children below 6 years. 90 per cent of the monthly wage (the total real cost of labour within the limit of the average wage in the national economy) will be reimbursed. In case of employed mothers with children aged 6-10 years, the total contribution will be 50 per cent of the monthly wage.

43. In 2014, a public health insurance company implemented a *"100+100"* concept — a product aimed at **elimination of social and economic disadvantage of women** — mothers. This project is based on reimbursement of a limited amount of money paid for pills or medicine for juvenile children and for women with a child no older than 18 years. A disadvantage of women — mothers — in this area was identified by a thorough analysis of internal data of the public health insurance company. As of 1 January 2015, this possibility is also available for fathers of juvenile children, as they tend to face similar social and economic disadvantages.

44. In addition, some of the existing **measures in the labour market** could also have a positive impact on women. These measures, however, cannot be marked as affirmative action. They are set to increase employment in Slovakia by the means of re-education of job seekers, grants provision to employers who hire a disadvantaged employee. Particular groups who suffer from unemployment are also targeted (among others, women after maternity leave, women taking care of children, Roma women, the elderly or recent graduates of secondary schools and universities). Hence, specific needs of these groups cannot be omitted and although the above mentioned measure is not strictly a form of affirmative action by the national standards, there is still potential for positive results in favour of specific groups of women.

45. Measures for the protection of pregnant women have not been presented in the original report as temporary measures, instead, they were described as special measures aimed at the protection of maternity and pregnancy with the reference to the article 4.2 of the Convention.

6. Gender stereotypes

46. In October 2013, the *Committee for Gender Equality of the Government's Council for Human Rights, National Minorities and Gender Equality* issued the '**Opinion on Undermining of the Principle of Gender Equality**' in response to spreading of the misleading idea of "gender ideology".

47. Opponents of gender equality labelled as "gender ideology" question the concept of gender equality which has according them "no justification and unnecessarily polarizes the public". For this reason, the Committee stressed its support to adoption of the *National Strategy for the Protection and Promotion of Human Rights*. The Committee further clarified that gender equality does not deny biological differences between men and women and it also does not promote sameness, as it is mistakenly spread among the public. The aim is rather to eliminate gender hierarchy and promote justice instead. Promotion of gender equality is therefore a legitimate political objective worthy of a modern democratic country.

48. Following the opinion and further debate, **three round table discussions** were held with representatives of Christian based organizations supportive of "gender ideology". The main objective was to clarify the terminology and related concepts. Eventually, the *Slovak Academy of Sciences* held a press conference on the issue of "gender ideology" where distinguished researchers clarified the concepts and terms and argued against the misleading ideas spreading in the media. However, it must be said that "gender ideology" managed to penetrate public discourse and distort established terms and concepts as well as important discussions. Continuous awareness raising activities in various gender equality issues is therefore fundamental.

49. For instance, the Centre as the equality body tackles the problem of "gender ideology" mostly by educational activities and press releases. The Centre further conducts **awareness-raising activities** for a wide range of audiences, for example pupils from elementary schools, high schools and university students, the employees of different organizations, state institutions, Police officers, Roma community members, field social workers etc. Each year there are more than 1500 people participating on the Educational activities of the Centre. (see Table 3.)

Table 3
Number of participants on the educational activities of the centre

Year	*Number of participants*
2014	1 669
2013	2 474
2012	1 986

Source: SNCHR.

50. In 2014, the Centre published 80 different outputs ranging from general information about the Centre to the Centre's statements or information about international days, distribution of external press releases etc. on its website. In 2014, the Centre also released 3 written press releases regarding gender equality and violence against women.

7. Violence against women

51. Following the tasks set in the current *National Action Plan for the prevention and Elimination of Violence against Women for the Years 2014-2019*, in 2014, two **national projects on violence against women** supported by the European social fund have been launched. The recent launching of the National **24-hour helpline for women victims** in March 2015 is another important milestone.

52. With respect to preparation of the ratification of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (The Istanbul Convention; SR signed on May 11, 2011 in Istanbul), in particular the harmonization of national legislation with the Article 10 of the convention, the MLSAF prepared and submitted a project of setting up a **Coordination-methodical Centre for Gender-based Violence and Domestic Violence** (CMC) for consideration to the Government Office of the Slovak Republic. The project is co-financed through the Norwegian Financial Mechanism. The CMC has been established under the MLSAF in April 2014 and, currently, it is functioning under the Department of Gender Equality and Equal Opportunities of the MLSAF. Its activities involve cross-sectional cooperation with other relevant ministries and stakeholders.

53. The aim of the CMC was to create, implement and coordinate a comprehensive national policy in the area of preventing and eliminating violence against women. A team of experts has been set up within the CMC, these are responsible for the scientific coordination and supervision of the implementation of the system of prevention and intervention, victim support and services in the field of violence against women and domestic violence. The establishment of CMC also involves professional coordination of activities using common methodological guidelines for the provision of services in the area of primary prevention and elimination of violence against women and domestic violence as well as creation of conditions for multi-agency cooperation. Research and monitoring are also among the planned activities of the CMC.

54. In addition to the above mentioned tasks, the CMC will provide analyses of the current legislation on violence against women and domestic violence and contribute to the preparation of new legislative measures and strategic materials in cooperation with other relevant ministries, including the special Act on the Prevention and Elimination of Violence against Women and Domestic Violence.

Law on violence against women

55. The objective no. 1 of the National Action Plan for the Prevention and Elimination of Violence against Women 2014 to 2019 was to "prepare an Act on domestic violence based on the Istanbul Convention while applying gender perspective and taking the particularities of violence against women into consideration". Under the auspices of the MLSAF, a working group consisting of all

relevant actors has been set up to draft a proposal of the **Act on the Prevention and Elimination of Violence against Women and Domestic Violence**. It will address prevention and elimination of violence against women and domestic violence, the conditions and the extent of assistance to the victims and their protection as well as specific measures to protect children. The first part of the Act will introduce the fundamental rules and principles of support and protection of the victims of violence. The second part will address systemic measures that need to be taken at all policy levels and by entities with a view to prevent violence and provide effective assistance. Eventually, the third section shall focus on individual measures to protect the victims, both at the level of coordinated action by institutions as well as in terms of the provision of specialist support services. The Act is being finalized at the moment.

Updated information on implementation of the National Action Plan 2014-2019

56. Special department of the Presidium overlooks collecting of data on criminal offenses, offenders and victims of crime in relation to violence against women, men and children. The data is later used for analysis as well as towards better prevention practice.

Amendment to the Act on Police Force

57. The Presidium prepared a draft amendment to the provisions of § 27a of the Act on Police Force, the objective of the proposal is to adopt legislative changes that will provide effective protection for the victims of domestic violence in the application of the expulsion measure under § 27a of the Act on Police Force. The draft proposes to extend the period for which a police officer can expel the perpetrator from an apartment or house or other area shared with the endangered person as well as from its immediate surroundings, the newly proposed expulsion period is ten days. This will provide more time for the victim to find a qualified professional help and solve their situation. The amendment is currently in the legislative process.

Penal Code amendment

58. On 19 March 2015, the National Council of the Slovak Republic approved the *Civil Procedure Code*, hence amending the Penal Code (Art. IV.) It entered into force on May 1, 2015. New points have been added to better address and specify obstruction of an official decision by the perpetrator:

59. The amendment to the Civil Procedure Code will protect victims of crime and violence in any Member State of the European Union. In case of relocation from one Member State to another, the protected person will be granted protection on the basis of recognition of the protection measure. Provisional measures of protection adopted in civil matters in the Member State of origin of the person shall be recognized in the requested Member State based on the principle of mutual recognition.

60. An EU member state national, protected in her/his country of origin who is interested in application of protective measures in the Slovak Republic must submit the original protective measure documentation along with certified translations of the documents to the Police force. This procedure is applied in situation where the

life or health of the person protected is at risk or specific legal protection is necessary.

61. In 2013, *The Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children, and child pornography, replacing the Council Framework — Decision 2004/68/JHA has been transposed into national legislation* (The Act No. 204/2013 Coll.). The transposition should ensure legal compliance with the requirements of the *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*.

Training in human rights

62. In the course of 2013, the Public Order Department of the Police force in cooperation with the '*Help to Children at Risk*' NGO distributed a manual (SARA DN) on first contact with the victims of domestic violence and identification of domestic violence for police officers. Selected employees of the Regional Police Directorates as well as several secondary schools of police were trained to use this manual. The methodology introduced in the manual was designed to help with assessment of the risks in cases of domestic violence.

63. In addition to the specific trainings, the police force applies systematic retraining of police officers as well as other actors involved in the process of addressing domestic violence. In 2013, the investigators participated in a nationwide training on selected aspects of criminal acts committed in connection with domestic violence. The aim was also to define possible improvements in cooperation of the law enforcement agencies with other entities that participate in the relevant proceedings.

64. An update to the Methodology of cases of domestic violence for police officers has been prepared earlier in 2015. The material is expected to be published on the intranet of the Ministry of Interior.

65. Moreover, the Police force also supports external educational and training activities of the police officers regarding the issue of domestic violence. For instance, within the project titled "*Strengthening joint action in the prevention of forced labour of Roma persons and the development of the reference mechanism*", the Crime prevention department of the Ministry of Interior conducted training on human trafficking, closely linked to the issue of violence against women. The project was implemented with the support of the European Commission and a grand total of 300 representatives of various target groups have been trained in the issue, among others, police officers, specialists and experts on the Roma communities, social workers, employees of Labour, social affairs and family offices and representatives of non-governmental organizations.

66. The training of police force as well as the police academy students regarding the issue of prevention and elimination of violence against women is carried out within the framework of relevant lectures and seminars, such as the '*Theory and methodology of investigation*'. Various lectures and seminars are devoted to the methodology of investigating crimes related to domestic violence and gender-based violence. The Police academy also published a guideline — '*Methodology for investigating crimes related to domestic violence*' which was included in the educational process of the graduate study courses for future investigators. The

methodology includes the issue of gender-based violence and violence against women and children. Further cooperation with the CMC is expected to evolve in the next future.

67. Particular attention is also paid to the activities implemented in the field of violence prevention, such as at school, at work, in homes or in the public. Subsequently, the students are lead to acquire the skills aimed at adequate assistance to victims of violence and practical use of the knowledge gained throughout the studies. The curricula is regularly assessed and updated when necessary in response to newly adopted national and international documents.

8. Trafficking and exploitation of prostitution

68. The issue of trafficking in women falls into jurisdiction of the *Bureau of Border and Alien Police* of the Presidium.

69. In 2013, nine cases were investigated for the crimes of human trafficking, in all cases women were the victims. Altogether, there were sixteen female victims in the nine cases (including two minors). Four of the nine cases involved sexual exploitation (six victims), three cases involved forced marriage (eight victims) and the remaining two cases were a combination of the two (two victims).

70. In 2014, trafficking was identified in 14 cases. The number of victims — all women — was twenty four, including nine minors. Six cases involved sexual exploitation (13 victims), two cases involved forced marriage (three victims), in three cases it was a combination of the two (five victims) and three remaining cases involved forced begging (three victims).

71. In 2015 (to 20 April 2015), four cases of human trafficking have been investigated, with six women as victims. Three cases were identified as sexual exploitation (four victims) and one was a case of labour exploitation (two victims).

72. In general, human trafficking is considered to be a violation of human rights and this is reflected in relevant legislation, namely § 179 of the Criminal Code. The criminal offense of trafficking has been systematically included in a separate part of the Criminal Code under the crimes against freedom and human dignity. At the same time, the Slovak Republic is bound by international conventions on the protection of human rights and freedoms (*The Convention for the Protection of Human Rights and Fundamental Freedoms, The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, etc.). The relevant legislation applies the definition of human trafficking as stated in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* which is one of the three additional protocols to the United Nations Convention on transnational organized crime.

73. To prove a case of human trafficking, three elements need to be fulfilled simultaneously, the act itself, the means and the intent. The intention of the perpetrator is to exploit other persons using various means and strategies, such as deceit, kidnapping, violence, threat of violence, etc. The actual act of human trafficking may involve the recruitment, transport, transfer of persons as well as other relevant activities for the purpose of exploitation. The actual exploitation may have the form of prostitution, pornography, forced labour or services, slavery or practices similar to slavery, servitude, removal of organs, tissues or cells, or other

forms of exploitation. In case the victim is bellow eighteen years, more severe prison sentences may apply and the requirement of the three elements is not as strict.

9. Legal framework on prostitution

74. Prostitution is seen as a phenomenon that is against public decency and good morals, yet, as such it is not criminalized. It is the negotiation, facilitation, acquisition, pimping and profiting from prostitution as well as other related activities that are criminalized (§ 367 of the Penal Code). The perpetrator may also be the prostitute herself if she further performs pimping. Another relevant crime that is related to prostitution is the trafficking in human beings under § 179 of the Criminal Code. In case of trafficking the main interest is to combat the phenomenon itself, regardless of whether the victim is a woman, a man or a child, as well as to protect one's sexual self-determination and personal freedom. In addition to the above mentioned, violence against women and child prostitution are also criminalized.

75. In course of the year 2014, the Slovak National Centre for Human Rights launched a project called *Let's Learn More Together — a series of awareness rising activities and training in Roma communities on non-discrimination, labour law and human trafficking.*

76. The trainings took part on 5 December 2014 at Lunik IX in Košice, on 16 December 2014 in Banská Bystrica, and eventually on 17 December 2014 in Rožňava. The realisation of the trainings was a result of a successful cooperation with local community centres in all three localities.

77. The pilot training had 36 participants — inhabitants of Lunik IX, from which 25 were students of 8th and 9th grade of the local elementary school. The training in Banská Bystrica had 20 participants and the training in Rožňava had 15 participants. The participants were particularly interested in topics of discrimination and human trafficking and expressed an interest in future activities.

78. On this occasion, the Centre also issued **leaflets concerning human trafficking** — prevention information and tips on how it occurs, what it means, what one should do before traveling abroad for work, what to do when one becomes the subject of human trafficking.

10. Participation of women in political and public life

79. Over the years, both men and women have become more interested in elected posts in government and in parliament, which is reflected in an increasing number of male and female candidates in all types of elections. Yet, the percentage of successful women's candidates is generally lower than men's and as a result, women's involvement in the public life is much lower, often due to uneven distribution of care and housework duties hence lack of work-life balance. Of course, other factors interfere and shape the discourse as well as the actual decisions women and men make regarding their careers.

80. Among other goals, the newly adopted *National Strategy for Gender Equality in the Slovak Republic 2014-2019* (the Strategy) set out to reduce gender

inequalities in participation of women and men in decision-making positions. The Strategy emphasizes the need to increase the representation of women in decision-making positions in political life, including their motivation and opportunities to run for office and participate in decision-making.

81. Specific and partial tasks stemming from the objectives set out in the Strategy include active and consistent support for the increase in representation of women while initiating a public debate on women in politics; introduction of temporary special measures in accordance with the Anti-Discrimination Act and Article 4 of CEDAW as part of necessary strategy for accelerated achievement of substantive equality between women and men; and eventually active encouraging of the political parties to the adopt targets for increasing female representation.

82. Other objectives target unions of professionals and social partners to gradually initiate self-regulatory measures in favour of increasing gender diversity in management bodies; these should have clear objectives and deadlines.

83. Reconciliation of work and family life is fundamental to greater representation of women in public and political life in the future. Therefore, the Strategy set out to facilitate creation of systemic conditions and measures to reconcile work, family and private life, and thus increase women's employment and representation in decision-making. The activities include ensuring availability of kindergartens and introducing innovative and flexible forms of childcare. Introducing measures to facilitate women' return from parental leave to the labour market is equally important.

84. Eventually, in terms of further awareness raising and knowledge gathering on the issue, specific research on obstacles women face in their careers and career progress should be conducted in the foreseeable future.

11. Education

85. Among other areas, the newly adopted *Action Plan for Gender Equality in the Slovak Republic 2014-2019* promotes elimination of gender segregation when it comes to the choice of subjects; there is an underlying objective to make science and technical subjects attractive to girls. Already young girls are targeted with the aim to help them make informed choices regarding their future studies and careers. As the issue is being discussed in the public, the society is becoming more open and used to the ideas. More media positive images have already penetrated the mainstream culture. One of the most successful projects in terms awareness raising aiming to provide all relevant and available information to girls and young women regarding information technologies is the '*You too in IT*' (http://www.ajtyvit.sk/). The initiative has a track of successful events, education activities and courses reaching out to many girls and young women. Recently, the Ministry of Education of the Slovak republic launched a comprehensive campaign promoting science to both girls and boys (http://www.veda-technika.sk/). The campaign is inclusive and as of its launch it has been providing positive examples and images of girls in science and technologies. Along with other smaller-scale initiatives and campaigns, these are rather new, thus it is too early to conclude regarding their impact.

86. As regards the structure of university teachers, currently there is no specific plan to adopt new measures or strategies on tackling the gender imbalances in the field.

87. As of September 2014, the **sexuality education** titled '*The Marriage and Parenthood Education*' has been added to the compulsory crosscutting subjects. The Marriage and Parenthood Education represents a curriculum for three different age groups of pupils (primary school, middle school, secondary school) to address the issues of relationships, sexuality, development and parenthood adequately and effectively. The curriculum aims to facilitate basic knowledge and responsible attitude towards partnerships and parenthood in accordance with scientific and ethical standards.

88. The content of the curriculum for primary schools consists of the following topics:

1. Education in the family

2. Principles of healthy life (including the issues of self-confidence and self-esteem, risk of sexual abuse of children, safety in situations of risk, etc.)

3. Negative consequences of smoking, alcohol and other drugs on one's health and behaviour

4. Gender Equality

5. Conception and development of a human being

6. Changes in one's body in puberty

89. Following topics and thematic areas constitute the curriculum for middle school-age children:

1. Friendship

2. Adolescence

3. Anatomy and physiology of reproductive organs

4. Responsible approach to sexuality

5. The negative impact of drug addiction on one's sexual and reproductive health

6. The principles of safe behaviour (identification of signs of abuse and exploitation of children, dangers of child pornography and sexual exploitation of children, etc.)

90. Eventually, the secondary school and secondary vocational school curriculum addresses the topics of marriage and family, parenting and intimate relationships in a more complex and comprehensive way.

12. Employment

91. In terms of progress, elimination of segregation in the labour market (horizontal and vertical) has become one of the strategic objectives within the framework of the newly adopted the Strategy. The overall objective of the strategic

area is to strengthen women's economic independence through elimination of gender disparities in the labour market.

92. In 2015 the MLSAF started with implementation of the project titled '*Family and Work*' using affirmative action to support employment of mothers of small children. The aim is to help women sustain their work skills and competitiveness while helping them back into the labour market. The response from the employers has been very positive and many applications have been submitted to date.

93. An annual competition '*Family, gender equality and equal opportunities — friendly employer*' organized by MLSAF is an example of good practice of awareness-raising for the employers. The primary aim of the competition is to motivate employers to create conditions that are sensitive to the family and other personal responsibilities of the employees as well as to the creation of equal opportunities for women and men.

94. Several initiatives and activities in favour of mainstreaming women and girls into entrepreneurship, technologies and IT are in the process of implementation. The initiative has a track of successful events, education activities and courses reaching out to many girls and young women. As mentioned earlier, the Ministry of Education of the Slovak Republic launched a comprehensive **campaign promoting science to both girls and boys** (http://www.veda-technika.sk/). The campaign is inclusive and as of its launch it has been providing positive examples and images of girls in science and technologies.

95. In terms of vertical segregation, an extensive awareness raising campaign on **gender pay gap**, its pervasiveness and harmful effects, has been launched in 2014 in the framework of the national project 'Institute for gender equality' ('When I grow up' http://kedvyrastiem.sk/). The campaign has been received well and followed by intense public discussion on gender disparities and their impact on the future and ambitions of women and men in the labour market as well as in private sphere.

96. Eventually, a project co-financed from the European Commission' grant scheme PROGRESS has been launched in 2014. The project set out to support balanced representation of women and men in leadership positions in organizations of public and private sector in Slovakia. The activities involve awareness raising among employers and active communication with the public highlighting important issues and barriers women face in their career progress such as the glass ceiling.

97. Certainly, more factors are at play. For instance, gender stereotypes are contributing to the segregation in the labour market substantially. Often, remuneration is not the only issue, in many cases it is the "character" of the work as feminine or masculine that determines whether the men will consider these areas and related jobs at all. Active promotion of diverse pictures of fatherhood and manhood might be a good way to help open up discussion in favour of greater participation of men in care work, teaching and other fields typically associated with women.

13. Health

98. Implementation of the *National Programme on Care for Women, Safe Motherhood and Reproductive Health* was postponed to 30 October 2015. To date,

no professional consensus has been reached among the stakeholders in various aspects of the issue. Therefore, The Ministry of Health of the Slovak Republic will again have to request for postponing of the deadline.

99. Despite the non-existence of the mentioned strategic material, international human rights obligation and WHO standards are a common part of the health policy and system in Slovakia.

100. The *Biennial Collaborative Agreement (BCA) between the World Health Organization Regional Office for Europe and the Ministry of Health of the Slovak Republic on behalf of its government for the biennium 2014-2015* has been signed.[7]

101. The 2014-2015 BCA is aligned with the WHO's Twelfth General Programme of Work for the period 2014-2019, which has been formulated in light of the lessons learnt during the period of the Eleventh General Programme of Work. It provides a high-level strategic vision for the work of WHO, establishes priorities and provides an overall direction for the six-year period beginning January 2014. It reflects the three main components of WHO reform: programmes and priorities, governance and management.

102. The newly drafted "*Strategic framework for health 2013-2030*" reinforces the integrative links between patient-centred health system and public health service with strong health promotion and diseases prevention based on intersectoral collaboration governed by Ministry of Health of the Slovak Republic. These together are key factors for improving population health and reduction of health inequalities. The government supports healthy growing and ageing through the lifecycle, increases awareness healthy lifestyles and fosters better understanding of health needs of the vulnerable groups.

103. Slovakia will take the Health 2020 framework forward through developing of the national health strategic policy framework. It will build on elaboration of new legislation and targets for improving health for all and reducing health inequalities. Within this context, the Slovak Republic will particularly address the social determinants of health and equity in health.

104. Concrete measures included into bilateral agreement of SR and WHO among others are:

- Development and implementation of policies and programmes to address violence against women, youth and children facilitated,
- Technical support for the implementation of national strategy to prevent violence and child maltreatment in accordance with the proposed WHO *European Strategy on the prevention of adverse child experiences* (ACE),
- Implement and monitor effective interventions to cover the unmet needs in sexual and reproductive health and to reduce adolescent risk behaviour,
- Advocacy and policy dialogue to support countries to develop comprehensive national health policies, strategies and plans,
- Technical assistance and collaboration for the implementation of the *Slovak national strategic framework for health care 2013-2020* in line with the European policy framework Health 2020.

[7] http://www.who.sk/images/stories/BCA%20%202014-15_English.pdf.

14. Access to contraception

105. The public health insurance in Slovakia does not cover a health care that is not indicated for medical reasons. Contraceptives and other methods of contraception are widely available and accessible across the country, and where medically justified, the use of contraceptives may be covered from the insurance of the woman. Individual assessment of applications for the special payment method should allow better consideration of the health risks of treatment and efficient use of public resources. Emergency contraception is available "over the counter" which helps women to receive it as soon as possible, without a need to wait for the prescription.

15. Conscience objection

106. Conscientious objection refers to an independent concept of the protection of personal belief of health professionals in the area of healthcare provision. The right to exercise the conscientious objection is defined in the *Code of Ethics for healthcare professionals*. The precise wording of the code is as follows: "the health professional cannot be required to perform or participate in such duty which is contrary to his/her conscience, except in cases of immediate threat to life or health". Should the health care professionals decide to apply the conscientious objection, they are required to inform the employer as well as their patients about this fact. The objection may be applied in following cases:

a) when exceeding reasonable workload;

b) due to personal relationship between the health professional and the patient;

c) provision of health care is in conflict with personal beliefs of the health professionals which applies only to abortion, sterilization and assisted reproduction.

107. The objection of conscience has been a very high profile issue in a public debate a decade ago. However, the situation seems to be stabilised now. According the anecdotal evidence, the number of healthcare providers who refuse to provide abortion or sterilisation in Slovakia remains on a level where the access of women to abortion is not restricted in any region. No cases have been reported where abortion is not accessible to women in the Slovak republic.

108. The number of gynaecological ambulances in Slovakia reaches 868 and 57 hospitals provide gynaecological department.[8] According to the statistics on abortions by territory of permanent residence in the Slovak Republic provided in the publication '*Abortions in the Slovak Republic 2014*'[9] by the *National Health Information Centre*, no city in the Slovak republic has been identified with zero cases of abortion. When it comes to exercising the objection of conscience in pharmacies, out of the total of about 1.400 pharmacies in the Slovak republic, 18 of them have been reported not providing contraception.[10] According this evidence a conclusion can be made that despite of some apprehension articulated in previous

[8] http://www.nczisk.sk/Documents/publikacie/2013/zs1550.pdf.
[9] http://www.nczisk.sk/Documents/publikacie/2014/zs1507.pdf.
[10] http://www.forumzivota.sk/2013/11/06/nakupujte-v-pro-life-lekarnach/.

years objection of conscience does not constitute any major barrier in the access to reproductive health services while it allows maintaining a reasonable level of personal freedom and integrity of medical professionals.

109. **Abortion** is allowed in Slovakia within 12 weeks of gestation upon written request of the pregnant woman which does not need to provide any reason to justify her decision. An abortion must be performed in a hospital. Parental consent is required for minors under 16 years of age; for minors between 16 and 18 years of age, the physician must inform the parents following the intervention. Second-trimester abortion is allowed only for medical reasons and in cases of rape. Medical reasons are

- if the woman's life or health is endangered;
- if the healthy development of the foetus is endangered;
- if foetal development manifests genetic anomalies.

110. Under the current law,[11] a woman receives information from her gynaecologist about the possible consequences of the procedure and of the available methods of birth control. Counselling and birth control information is given to the woman and she is referred to a hospital to terminate her pregnancy. If gestation is under 12 weeks and there are no health contraindications for the procedure, the procedure is to be performed with an obligatory 48 hours waiting period after the counselling. If gestation is over 12 weeks or if other contraindications exist, the request is reviewed by a medical committee. Beyond the first trimester, the pregnancy can be terminated only if the woman's life or health is endangered or in the case of suspected foetal impairment as mentioned above.

16. Sterilisation

111. Following the changes in legislation as of 1 January 2005, a new legal framework for the implementation of medical sterilization has been set to meet the international standards. It guarantees a 30-day period between the granting of informed consent and the performing of sterilization, hence protects women from the irreversible consequences of sterilization to which they often consented due to severe pain of surviving childbirth. Within the 30-day period, a person can withdraw the consent at any time. Informed consent can only be given after all relevant information was presented by the medical professional. No pressuring of the patient is acceptable, and the information presented must be clear to ensure understanding. An important condition in order to ensure understanding is to provide the information adequately to patient's health as well as intellectual and mental maturity. The instruction shall include information on alternative methods of contraception and family planning, possibility of change in life circumstances that led to the request for sterilization or medical consequences of sterilization as well as the possibility of failure. The Ministry of Health has developed a generally binding regulation "*Decree of the Ministry of Health no. 56 of 23 October 2013, laying down the details of the instruction preceding the informed consent before performing sterilization of persons and distributed sample forms of informed*

[11] Act No. 73/1986 on artificial termination of pregnancy.

consent in the state language as well as the languages of national minorities", which entered into force on 1 April, 2014.

112. To date, **no new cases of complaints regarding forced sterilization have been reported**.

17. Economic and social benefits

113. The following measures target vulnerable groups at risk of poverty, elderly women and single women with children including. These groups have lower prospects of jobs, hence no job security as well as limited pensions due to years dedicated to childcare. There has been progress in several areas, such as adoption of the minimum pension, longer maternity leave for lone mothers with children or the Substitute alimony benefit.

114. In terms of ensuring comparable living standard for both women and men with limited resources or at risk of poverty, **minimum wage** applies. Every employee is legally entitled to a wage not less than the minimum wage where the minimum wage is the lowest cost of labour. In the Slovak republic, this amount is set annually by the Slovak Government in agreement with employee representatives (trade unions) and employers. It is a tool of social protection of the employees. There are two types of minimum wage (hourly and monthly); the minimum monthly wage for 2015 stands at 380 EUR. However, working for low salaries poses a significant risk to the future of both women and men, therefore, as of July 2015 the government is introducing a minimum pension.

115. Pensioners in Slovakia will receive a **minimum pension**. To qualify, one must have worked for at least 30 years and reached retirement age. Monthly amount of the minimum pension for 2015 will be 269.50 EUR. The minimum pension will change annually. The MLSAF clarified that introduction of the minimum pension should affect 75,392 pensioners. We believe that this measure might be specifically useful for women as the pension gap is pervasive.

116. The Labour Code guarantees **maternity leave** of 34 weeks. However, single woman qualify for maternity leave of 37 weeks, and the women who gave birth to two or more children at once qualifies for 43 weeks.

117. Pursuant to the *Act No 452/2004 Coll. on Substitute Alimony Benefit*, if a parent with an obligation to pay alimony fails to comply the court can decide for the other parent to apply for substitute alimony benefit (maintenance payment). Two conditions must be fulfilled however. The first is that the parent with the duty to pay alimony fails to comply for at least three consecutive months and the execution procedure lasts at least three months. The second condition relates to the child who cannot become entitled to an orphan's pension or its amount is less than the sum of the minimum maintenance provisions of the family. The child also has to have permanent residence in the Slovak republic and actually live there.

18. Pension reform

118. Under the *Act No. 43/2004 on Pension Saving Schemes* the state is obliged to pay contributions into the II. pension pillar for persons involved in the pension savings system within the period of care for a child under six years of age or beyond

the age of six years of age in the case the child has a long-term health condition (maximum up to eighteen years of age), also throughout the period of compensation allowance for care, and eventually in the case of employed or self-employed persons throughout the period of receiving the maternity pay the state also pays towards insurance and pension savings.

119. In case of widowed women, the widows' pensions are provided at any age if the widow is disabled, taking care of a child, or is raising three children. If she cares for two children, the widow's pension is available at the age of 45. Otherwise, the widow's pension is only available at the age of 50 unless the worker had died as a result of a work-related injury, in which case the eligible widow's age is 40.

19. Roma women

120. As mentioned above, In course of the year 2014, the Slovak National Centre for Human Rights launched a project called *Let's Learn More Together — a series of awareness rising activities and training in Roma communities on non-discrimination, labour law and human trafficking.*

121. In order to prevent uninformed health choices and procedures of Roma women as well as on women from poor communities in general, the Ministry of Health is re-implementing the project "*Healthy Communities*", financed from EU structural funds, in 2007-2013 programming period implemented within the Operational Programme "Employment and Social Inclusion". **150 health awareness raising workers** have participated and additional 138 jobs (129 health education assistants and 9 regional field coordinators) should be created until the end of the project. Currently 190 health workers monitor 168 segregated and separated Roma settlements and localities (172 health education assistants and 18 regional field coordinators). As of January 2016 (until 2022), the project will be implemented under the Operational Programme "Human Resources".

122. The activities of the health workers have ensured **elementary health education** in 259 segregated Roma settlements. Health education assistants distribute basic information on prevention of diseases, on negative impact of addictive substances, on the need of preventive examinations and compulsory vaccination as well as the importance of basic hygiene, on **reproductive and sexual health** of women, particularly pregnant women and mothers, on the use of medicines and consultations with a physician regarding the care of new-borns. This information is disseminated in settlements inhabited by the target population groups, among individuals and groups of young people and children in the communities or in schools.

123. The *Office of the Plenipotentiary of the Government of the Slovak Republic for Roma communities* started in 2013 with an implementation of a two-year social innovation project (*Investing in the early childhood*) aimed at **integrating Roma children into early childhood education and care**. The project focuses on children's physical, social, emotional and cognitive development. It aims particularly at empowering families (mothers especially), preparing children for transition to compulsory education, improving teacher-parent cooperation, changing the approach to raising children in segregated Roma communities, establishing a support network for Roma mothers within the communities and raising awareness of the importance of education within the Roma community. This project is financially

supported by the European Commission through the Progress programme grant scheme and from other national funds. The project was identified as a form of an affirmative action measure. The target group covers 315 Roma mothers, 525 Roma children at the age of 0-5 and teachers/directors of pre-school facilities.

20. Marriage and family life

124. While marriage lasts, a special regime of joint ownership applies for the spouses as well as mutual obligation to pay maintenance. These apply even if the spouses do not effectively live together.

125. A special provision under the Article 143a of the *Civil Code* allows spouses to agree on extending or reducing the scope of joint ownership prescribed by law. If due to physical or psychological violence or a threat of such violence further coexistence becomes unbearable for one of the partners, the court may, if the spouse — victim proposes so, limit the right of use of the other spouse to a house or apartment belonging to joint ownership, or exclude him/her from its use completely.

126. The aim and purpose of mutual maintenance obligations between the spouses under the *Family Act* is to ensure the same standard of living of the spouses. This request is justified by their equal status in the rights and obligations stemming from the marriage bond. Mutual maintenance obligation does not strictly refer to monetary payments. The requirement of equal living standard does not derive from the earnings of the spouses automatically. First, it is necessary to examine the performance of home care as well as meeting of the needs of all family members, including care for children.

127. Mutual maintenance obligation between the spouses copies the lifetime of marriage. Its termination is linked to the dissolution of marriage such as death of a spouse, a declaration of one of the spouses that the other spouse is dead, divorce or marriage annulment.

128. When marriage ends in divorce, the maintenance obligation between the spouses according to Article 71 of the *Family Code* expires. After divorce however, under specific conditions, application of new maintenance obligations in the form of contribution to the maintenance of the divorced spouse pursuant to Article 72 of the *Family Code* may be established. Typically, this is the case when one of the spouses becomes unable to provide for oneself sufficiently. As a result, this spouse may request for a contribution from the ex-partner. The contribution is then calculated in relation to the ex-partner's income (as well as potential income), living standard and other factors for the period of five years maximum (specific provisions may apply in specific cases). The options and the contributions are typically calculated from one case to another, as conditions vary from couple to couple and must be assessed individually based on the needs and options and conditions of the ex/partners.